



Serving the Wisconsin counties of
Brown • Door • Florence • Kewaunee •
Manitowoc • Marinette • Menominee • Oconto
• Outagamie • Shawano • Sheboygan

520 N Broadway Ste 320 | Green Bay, WI 54303
(920) 617-1384 | www.BayAreaWDB.org

Limited English Proficiency Plan (LEP Plan)

Effective Date 03/07/2022

Purpose / Overview

The Bay Area WDB and its service providers will take reasonable steps to ensure that persons with Limited English Proficiency (LEP) have meaningful access and an equal opportunity to participate in its programs, activities, and other benefits. Bay Area WDB's plan is to ensure meaningful communication with LEP individuals involving their workforce needs and services. This plan provides for the communication of information contained in vital documents (e.g., program application, program rights and responsibilities, etc.). All interpreters, translators and other aids needed to comply with this plan shall be provided without cost to the person being served, and the individual will be informed of the availability of such assistance free of charge.

The Bay Area WDB will conduct a review of the language access needs of its customer populations and update and monitor the LEP Plan at a minimum of every two years. The Bay Area WDB Equal Opportunity Officer will oversee the implementation of the LEP Plan.

Scope

The Bay Area WDB and its contractors and subrecipients.

Guidance

Identifying Language Needs of LEP Individuals

- The Bay Area WDB's Equal Opportunity Officer (EOO), in conjunction with the One-Stop Operator and supporting staff, reviews and monitors access to services via One-Stop Centers, including the language and communication needs of LEP individuals.
- The Bay Area WDB, at a minimum of every two years, conducts a review of the languages spoken by its customers and reviews language access needs of its LEP customer population via available data. For example, staff collect the preferred language of applicants, registrants, and participants as required for grant and program intake purposes. The Bay Area WDB conducts analysis/assessments (e.g., ASSET, Web Intelligence, U.S. Census Bureau and American Community Survey data) to identify languages spoken in the area and uses this data to support translation needs.

A proud partner of the americanjobcenter® network

Bay Area WDB, serving WIOA Title I, is an Equal Opportunity Service Provider and Employer.

If you need this information or printed material in an alternate format or in a different language, services are available free of charge by contacting us at 920-617-1384 or info@bayareawdb.org. Deaf, hard of hearing or speech impaired callers can reach us through Wisconsin Relay Service at 7-1-1.

The Four-Factor Analysis

- Subrecipients are required to take reasonable steps to ensure meaningful access to their programs and activities by LEP persons. While designed to be a flexible and fact-dependent standard, the DOL has stated that the starting point is an individualized assessment that balances the following four factors:
 - **Factor 1: The Number or Proportion of LEP Persons Served or Encountered in the Eligible Service Population:** The U.S. Census Bureau has a range of four classifications of how well people speak English. The classifications are (1) ‘Very Well,’ (2) ‘Well,’ (3) ‘Not Well,’ and (4) ‘Not at All.’ For planning and statistical purposes, we are considering individuals who speak English at any level below “Very Well” as Limited English Proficient (LEP). As part of this planning process, we have included statistics from the U.S. Census Bureau 2015 American Community Survey 5-Year Estimates Table to illustrate the number of individuals living in Workforce Development Area (WDA) 5 who speak English less than “Very Well.” In addition, this U.S. Census survey indicates the number of individuals in each language group among the total population of individuals who speak English less than “Very Well.” These statistics help to identify prominent and/or growing language groups for planning purposes at the local level.
 - **Factor 2: The Frequency with Which LEP Individuals Come in Contact with the Program:** The program must be evaluated in relation to the number of LEP persons who are within the program area and the number of times those persons have frequented the program or activity. The Bay Area WDB utilizes the ASSET system, the State of Wisconsin’s information management system to register program applicants and participants. User statistics have been pulled from ASSET reportable individual and participant reports, which indicate voluntary self-identification information, which may help to indicate a potential need for language assistance among individuals.
 - **Factor 3: The Nature and Importance of the Program, Activity, or Service Provided by the Recipient:** The Bay Area WDB provides a wide range of programs, activities, and services. The Bay Area WDB provides job seeker services, business services, Rapid Response services and a multitude of other services. The Bay Area WDB is responsible for administering numerous programs that receive State and Federal funding, including: WIOA, Rapid Response, Windows to Work, and many other programs receiving federal funding or grants.
 - **Factor 4: The Resources Available to the Recipient and Costs:** The Bay Area WDB serves the counties of Brown, Door, Florence, Kewaunee, Manitowoc, Marinette, Menominee, Oconto, Outagamie, Shawano, and Sheboygan as part of its local Workforce Development Area and is required by Federal law to provide access to LEP persons, and to ensure that its subrecipients also provide such access.

Results of the Assessment

- At a minimum of every two years, the Bay Area WDB assesses changes in demographics, types of services, or other needs that may require reevaluation and revisions of this Plan and related guidance.

A proud partner of the americanjobcenter[®]network

Bay Area WDB, serving WIOA Title I, is an Equal Opportunity Service Provider and Employer.

- Data assessment results can be used to develop and support regional outreach strategies that target unreached or underrepresented LEP populations including but not limited to new partnership formations and coordinated outreach campaigns.
- To increase access to all programs offered by the Bay Area WDB, it is essential to conduct a thorough assessment of the language needs of the populations served by attempting to identify LEP individuals. To identify language needs, the Bay Area WDB EOO has reviewed available language data from the U.S. Census American Community Survey. The U. S. Census American Community Survey 2015 5-year estimate is an example of data available for WDA 5 to show that there were an estimated 769,572 individuals in the eleven-county area. The report denotes 732,922 individuals who speak English either as their first or second language and approximately 36,650 who speak English less than “Very Well.” This number (36,650) constitutes approximately 3.80% of the population aged five and older in WDA 5. Hmong speakers make up 1.8% of the people who speak English less than “Very Well” in WDA 5, followed by Spanish speaking citizens at 1.70%.
- The Department of Justice defines the Safe Harbor Threshold to require translation of vital documents whenever 1,000 people or 5.0% of the total population (whichever is less) have Limited English Proficiency and speak English “less than very well”. Based on the 2015 American Community Survey (ACS) data from the U.S. Census Bureau, there are several language groups that meet that threshold (see below) in WDA 5. However, based on the volume of registrants and participants that identify as LEP individuals for WIOA T1 services in WDA 5, the translation of documents is currently limited to Hmong and Spanish.

Language Spoken at Home, American Community Survey 5-Year Estimate, 2015		
Language Group	No. of individuals who speak English “less than very well”	Percent of individuals who speak English “less than very well”
Total Population: 769,572		
Hmong	13,891	1.80%
Spanish	13,091	1.70%
Multi Asian-Pacific languages (does not include Hmong)	6,538	.84%
Multi Indo-European languages	1,746	.22%
Other	584	.07%

Source: U.S. Census Bureau, 2015 ACS 5-Year Estimates, Language Spoken at Home by Ability to Speak English for the Population 5 Years and Over

A proud partner of the  **americanjobcenter** network

Bay Area WDB, serving WIOA Title I, is an Equal Opportunity Service Provider and Employer.

If you need this information or printed material in an alternate format or in a different language, services are available free of charge by contacting us at 920-617-1384 or info@bayareawdb.org. Deaf, hard of hearing or speech impaired callers can reach us through Wisconsin Relay Service at 7-1-1.

Client Primary Language, WIOA Title 1 Programs, WDA 5, PY2020		
Primary Language / Language Group	Number of individuals (Registrants and Participants)	Percent of individuals (Registrants and Participants)
Language Groups, Total Population: Will update when plan is approved.		
Hmong		
Spanish		
Hindi		
Somali		
Etc.		
Totals		

Source: ASSET, Active Detail Report, Client Primary Language, TBD

Timelines for Implementation of the Plan

- The Bay Area WDB staff will develop a draft Limited English Proficiency Plan using the criteria outlined in 29 CFR § 38.9 and its corresponding Appendix.
- The Bay Area WDB staff will submit the draft Plan to the State EOO for review and feedback.
- A final draft of the Plan will be included on the Bay Area WDB’s website.

Language Services Available to LEP Individuals

- Staff may use a language identification card (or “I speak cards,” available online at www.lep.gov) or related tools/resources to determine the language needs of an LEP individual.
- Written material in appropriate non-English languages or translated by oral interpretation and/or summarization.
- Oral information translated into appropriate non-English languages either in-person, phone and/or web-based technology, such as LanguageLine; and/or
- Referral to language assistance programs and services through partner agencies, including but not limited to technical colleges and community-based literacy organizations.

A proud partner of the  network

Bay Area WDB, serving WIOA Title I, is an Equal Opportunity Service Provider and Employer.

Providing Notice of Available Services to LEP Persons

The Bay Area WDB provides notice of language services for LEP individuals in areas including, but not limited to:

- A Babel Notice is located on the Bay Area WDB's website in the document titled, *Accessibility and equal Opportunity Information*.
- Disclaimers on public-facing materials including outreach flyers, EO signage/posters, and vital documents (e.g., program application) that cites:

A proud partner of the  network

Bay Area WDB, serving WIOA Title I, is an Equal Opportunity Service Provider and Employer.

Interpretation and translation services are available free of charge by contacting our EO Officer at (920) 617-1384 or info@bayareawdb.org. Deaf, hard of hearing or speech impaired callers can reach us through the toll-free TTY Relay at 7-1-1.

Steps to Request Language Assistance

Regarding vital information, to the extent otherwise required, once staff becomes aware of the non-English preferred language of an LEP individual, the staff must convey vital information in that language.

- Individuals may request language assistance for information that is available to the public. These language assistance services are free of charge.
- Individuals seeking more information about interpretation services may call the One-Stop Operator Bay Area WDB EO at (920) 617-1384 or email mvaliquette@bayareawdb.org, or write to:

Bay Area Workforce Development Board
Attn: Matt Valiquette, EOO
520 N Broadway, Ste 320
Green Bay, WI 54303

- The Bay Area WDB EOO is responsible for:
 - Contacting the appropriate bilingual staff member to interpret, in the event that an interpreter is needed, if an employee who speaks the needed language is available and is qualified to interpret.
 - Assisting with the contact of an outside interpreter if a bilingual staff or staff interpreter is not available or does not speak the needed language.
- Language assistance may be provided through use of competent bilingual staff, staff interpreters, contracts or formal arrangements with local organizations providing interpretation or translation services, or web-based technology and telephonic interpretation services. Staff will be provided notice of this guidance and staff that may have direct contact with LEP individuals will be trained in effective communication techniques, including the use of an interpreter.
 - LanguageLine Solutions is contracted to provide qualified interpreter services. The telephone number is 1-866-874-3972 and the hours of availability are on-demand. Staff should reference the LanguageLine Solutions Quick Reference Guide for additional support.

A proud partner of the  network

Bay Area WDB, serving WIOA Title I, is an Equal Opportunity Service Provider and Employer.

Staff must log their usage of the interpreter service on the Language Assistance and Accommodation Request log as well as notify the EOO each time the service is used.

- Some LEP persons may prefer or request to use a family member or friend as an interpreter. However, family members or friends of the LEP person will not be used as interpreters unless specifically requested by that individual and **after** the LEP person has understood that an offer of an interpreter at no charge to the person has been made by the staff. Such an offer and the response will be documented in the individual's file/record. If the LEP person chooses to use a family member or friend as an interpreter, issues of competency of interpretation, confidentiality, privacy, and conflict of interest will be considered. If the family member or friend is not competent or appropriate for any of these reasons, competent interpreter services will be provided to the LEP person.
 - When an individual permits the accompanying adult to provide such assistance, staff must make and retain a record of the individual's decision to use their own interpreter. This should be reported in the applicable data reporting system (i.e., ASSET) if possible. Staff are to use the Bay Area WDB Acknowledgement and Refusal of Free Interpretation Services form and retain it in the participant file if applicable. If not applicable, staff should route the completed form to the Bay Area WDB EOO for file retention.
 - To ensure confidentiality of information and accurate communication, children and other clients will not be used to interpret.

Steps to Implement the Limited English Proficiency (LEP) Plan

- The Bay Area WDB EOO will work with its One-Stop Operator to ensure employees, service providers and partners are informed and equipped to support the implementation of the Limited English Proficiency Plan. This plan will be made available to staff and service providers via the Bay Area WDB on the Bay Area WDB website in the CSS Login section.
- The Bay Area WDB will conduct a review of the language access needs of its customer populations, as well as update and monitor the implementation of this plan and the guidance at a minimum of every two years.

Staff Training

- Staff receive onboarding and continuous training on EO practices to ensure fair and equitable access to services. This training is primarily led by the One-Stop Operator, EOO and partners and can include updates to the language services and resources available to assist LEP individuals as part of the LEP Plan. Training may include, but is not limited to:
 - Identifying the language needs of LEP individuals.
 - Working with interpreters in-person or on the telephone.
 - Requesting documents for translation.
 - Accessing and providing language assistance services through multilingual employees, in-house interpreters and translators or contracted personnel.
 - Professional responsibility with respect to LEP individuals.
 - Interpreter ethics.

A proud partner of the  **americanjobcenter** network

Bay Area WDB, serving WIOA Title I, is an Equal Opportunity Service Provider and Employer.

- Tracking the use of language assistance services; and
- Tips on providing effective assistance to LEP individuals.
- The Bay Area WDB will include the requirement for its service providers to review the LEP Plan as part of the contract's assurances section.

Monitoring and Continuous Improvement of Language Needs and Implementation

- The Bay Area WDB EOO, in conjunction with the One-Stop Operator, monitors access to services at one-stop centers, including the language and communication needs of LEP individuals, as part of its annual monitoring of service providers and programs.
- The Bay Area WDB annually conducts a review of the language access needs of its LEP customer population as part of its programmatic and civil rights/EO data analysis processes.
- The Bay Area WDB has a complaint process in place, including a clearly defined timetable to process complaints quickly. The Bay Area WDB makes this information available to all individuals via its *Guide to Resolution of Grievances and Complaints* located on its website and in hard copy.
- The Bay Area WDB seeks feedback from its service providers, employees, and stakeholders to support continuous improvement efforts. This is done through informal conversations, staff training and meetings and board meetings.
- The Bay Area WDB will continue to allocate resources, including staff time for the assessment and continuous improvement of the Limited English Proficiency Plan, training, and associated elements. It will collaborate with partners as appropriate. The Bay Area WDB maintains an annual budget to ensure resources are available to support access for LEP customers.

Documenting Language Service Provision

The Bay Area WDB maintains a log for staff to report requests for language assistance services. This is maintained and reviewed by the One-Stop Operator, Bay Area WDB EOO, and supporting staff.

Review of the Limited English Proficiency Plan

The Bay Area WDB EOO and supporting staff will conduct a review of the LEP Plan implementation, including language access needs of our customer populations at a minimum of every two years. In addition, the Bay Area WDB will assess the efficacy of the plan, including but not limited to the resources and equipment used for the delivery of language assistance, complaints filed by LEP persons, etc. The Bay Area WDB will update and monitor the implementation of this plan, as necessary.

Compliance References

<https://www.law.cornell.edu/cfr/text/29/38.9>

Appendix to 29 CFR §38.9 - Guidance for Recipients

A written LEP plan should identify and describe:

1. The process the recipient will use to determine the language needs of individuals who may or may seek to participate in the recipient's program and activities (self- or needs-assessment)

A proud partner of the  network

Bay Area WDB, serving WIOA Title I, is an Equal Opportunity Service Provider and Employer.

2. The results of the assessment (e.g., identifying the LEP populations to be served by the recipient)
3. Timelines for implementing the written LEP plan
4. All language services to be provided to LEP individuals
5. How LEP individuals will be advised of available services
6. Steps individuals should take to request language assistance
7. The way in which staff will provide language assistance services
8. What steps must be taken to implement the LEP plan (e.g., creating or modifying policy documents, employee manuals, employee training material, posters, Web sites, outreach material, contracts, and electronic and information technologies, applications, or adaptations)
9. The way in which staff will be trained
10. Steps the recipient will take to ensure quality control, including monitoring implementation, establishing a complaint process, timely addressing complaints, and obtaining feedback from stakeholders and employees
11. The way in which the recipient will document the provision of language assistance services
12. The schedule for revising the LEP Plan
13. The individual(s) assigned to oversee implementation of the plan (e.g., LEP Coordinator or Program Manager)
14. Allocation of resources to implement the plan

Resources (example policies and provisions, etc.)

<https://www.hhs.gov/guidance/document/limited-english-proficiency-lep-resources-effective-communication>

Resources

Wisconsin WIOA State Plan (page 112)

<https://dwd.wisconsin.gov/wioa/pdf/wi-wioa-state-plan-2020.pdf>

A proud partner of the  network

Bay Area WDB, serving WIOA Title I, is an Equal Opportunity Service Provider and Employer.

If you need this information or printed material in an alternate format or in a different language, services are available free of charge by contacting us at 920-617-1384 or info@bayareawdb.org. Deaf, hard of hearing or speech impaired callers can reach us through Wisconsin Relay Service at 7-1-1.